

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAMMY DANIELS,

No. C 10-05372 EJD (PR)

Petitioner,

ORDER OF DISMISSAL

vs.

M. MCDONALD, Warden,

Respondent.

Petitioner, a state prisoner proceeding pro se, initiated the instant habeas action by filing a motion for stay on November 29, 2010. (Docket No. 1.) Subsequently, petitioner filed a petition on December 13, 2010, wherein he indicated that a state habeas action was pending in the California Supreme Court. (Pet. at 5, Docket No. 4.)

On April 1, 2011, the Court denied Petitioner's motion for stay without prejudice, and directed Petitioner to file a renewed motion within thirty days, identifying the potentially meritorious claims and showing good cause for his failure to exhaust the claims in state court. (See Docket No. 8.) Petitioner was advised that a failure to respond to the Court's order would result in the dismissal of the action without prejudice. (Id.)

The deadline has since passed, and Petitioner has failed to file a response. Accordingly, this action is DISMISSED without prejudice.

DATED: May 11, 2011


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SAMMY DANIELS JR,
Petitioner,

Case Number: CV10-05372 EJD

CERTIFICATE OF SERVICE

v.

MIKE MCDONALD, Warden,
Respondent.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 5/17/2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Sammy Daniels K31657
High Desert State Prison
P.O. Box 3030
Susanville, CA 96127

Dated: 5/17/2011

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk